IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.18106 of 2003

Dated: 25-07-2007

Between:

Angadi Satyanarayana, s/o Satyam.

... Petitioner

and

1. The State of Andhra Pradesh,
   rep. by its Principal Secretary,
   Department of Home, Secretariat,
   Hyderabad and 8 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioner states that he is a Gateman in Durga Theatre, Dowlaiswaram, East Godavari District and that on 21-11-2001 Illendu Police came in mufti in a Tata Sumo bearing registration No. AP 7J 1629 and abducted him forcibly from Durga Theatre. On the way, they claimed themselves as police, handcuffed him, tied around his head and closed his eyes while beating with legs and took him to Illendu

Police Station, Khammam District. On 22-11-2001 his son gave a report to Dowlaiswaram Police as 'man missing'. He further states that one Sadanand Singh and Mohan Raj – respondent Nos.3 and 4, without assigning any reasons, removed his clothes, beat him on his head and severed other parts while threatening him to kill with a riffle. At that time they used to provide meals once in two days and whenever he asked water they used to pour urine in his mouth and he was forced to drink it due to fear of torture. They asked him for the address of a person viz., Sunkara Srinivas and beat him when he pleaded ignorance. He also states that on one day they received a phone call stating that he was not the person required, then the Sub Inspector of Police, Illendu obtained his signatures on several papers on 29-11-2001 and produced him before the Mandal Revenue Officer, Illendu, where further signatures were taken and he was asked to go back to Dowlaiswaram.

3. It is also the case of petitioner that at the time of the said illegal detention, as the police of Illendu tightly fixed a thread around his head all the while, he lost his vision. Further, his legs were swollen and he is suffering from chest pain, waist pain etc., and some of the injuries are lacerated in his groin and feet. His digestive system is spoiled due to fist blows on his stomach and he is not able to work now on account of the process of torture inflected upon him by the said police. Further the Inspector of Police and Sub Inspector of Police, Illendu Police Station took his photographs in different poses and they threatened him that he would be killed in a fake encounter if he reports the matter to anybody. Hence, he filed the present writ petition seeking a *mandamus* to declare the action of respondents – Illendu police in torturing, humiliating and putting him to threat of his life and making

him disabled as arbitrary and illegal.

4. If the facts mentioned above are true, it is a clear case of human rights violation; hence, a Fact Finding Enquiry is necessary. Accordingly, this Court is of the view that this matter may be referred to the District Human Rights Court, at East Godavari District.

5. Accordingly, the writ petition is allowed with a direction to the Registrar (Judicial) to send a copy of the affidavit filed in support of the writ petition and other material papers enclosed to the writ petition, along with a copy of this order to the concerned Human Rights Court and the Court concerned is directed to hold an enquiry after affording an opportunity to both the parties in accordance with the provisions of Human Rights Protection Act, 1993 and the Rules made thereunder. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.25-07-2007
GLV